



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/424,527

FIRST NAMED APPLICANT

SEAN FARMER

ATTY. DOCKET NO.

19374-503

INTERNATIONAL APPLICATION NO.

PCT/US98/11347

I.A. FILING DATE

06/03/1998

PRIORITY DATE

06/03/1997

IVOR R ELRIFI
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON, MA 02111

RECEIVED

MAY 14 2003

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.

Date Mailed: 04/11/2003

CONFIRMATION NO. 8102

371

ABANDONMENT/TERMINATION
LETTER

OC000000009824755

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- applicant has failed to respond to the decision mailed out on June 27, 2000

| | |
|--|---------|
| Done By | |
| <input type="checkbox"/> Data Entry | |
| <input checked="" type="checkbox"/> Docket Entry | 7/11/03 |
| <input type="checkbox"/> Docket Cross Off | |
| <input type="checkbox"/> Previously Entered | |
| <input type="checkbox"/> No Docketing Req. | |
| <input type="checkbox"/> ELITE | |
| <input type="checkbox"/> Annuities | |

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

KAREN R MCLEAN

Telephone: (703) 308-9117

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/424527

FARMER

S

19374-503

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INTERNATIONAL APPLICATION NO.

PCT/US98/11347

I.A. FILING DATE PRIORITY DATE

03 JUN 98 03 JUN 97

DATE MAILED: 24 MAR 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),
 an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.

Copy of the international application in:

a non-English language.

English.

Translation of the international application into English.

Oath or Declaration of inventors(s) for DO/EO/US.

Copy of Article 19 amendments.

Translation of Article 19 amendments into English.

The International Preliminary Examination Report in English and its Annexes, if any.

Translation of Annexes to the International Preliminary Examination Report into English.

Preliminary amendment(s) filed _____ and _____

Information Disclosure Statement(s) filed _____ and _____

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed _____

Verified Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report and copies of the references cited therein.

Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

* d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). * SURCHARGE WAS PAID AT THE TIME OF FILING *

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

PCT/DO/EO/917
 PTO-875

Notice of Defective Translation


Karen McLean, Paralegal
Telephone: 703-308-9117

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT : Farmer
SERIAL NUMBER : 09/424,527 EXAMINER : Not Yet Assigned
INTERNATIONAL APPLICATION FILING DATE : June 3, 1998 ART UNIT : Not Yet Assigned
DATE :
FOR : Probiotic Lactic Acid Bacterium to Treat Bacterial Infections Associated with SIDS

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed March 24, 2000, for filing in the above-referenced patent application are the following items and documents:

1. An executed Combined Declaration and Power of Attorney (in 2 counterparts, 7 pgs. total);
2. Petition for Extension of Time in duplicate (1 pg.);
3. Check # 16380 in the total amount of \$725.00 for a four month extension of time;
4. Copy of Notification of Missing Requirements (2 pgs); and
5. Return Postcard.

A petition to Revive Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) and the required fee are filed herewith. Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 19374-503.

RECEIVED
JUN 02 2003
OFFICE OF PETITIONS

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

IABeattie

May 29, 2003

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TRA 1798844v1

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of RIVERSIDE

} SS.

On 4/28/03 (DATE) before me,

DANA BENNETT (NOTARY)

personally appeared ROBERT MIKAIL SIGNER(S)

personally known to me

- OR -

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

INDIVIDUAL
 CORPORATE OFFICER

TITLE(S)

PARTNER(S)
 ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Comb. Decl. & POA for patent
TITLE OR TYPE OF DOCUMENT

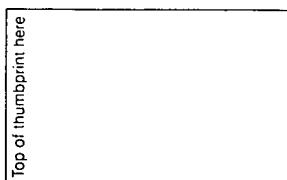
3

NUMBER OF PAGES

4/28/03
DATE OF DOCUMENT

OTHER

RIGHT THUMPRINT
OF
SIGNER



SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)